

From: John Econopouly
To: Microsoft ATR
Date: 1/23/02 5:35pm
Subject: Microsoft Settlement

Summary: I am against the proposed settlement. It is a slap on the wrist that Microsoft will easily outmanouver.

I have 15 years experience as a software developer, on numerous platforms, including Windows. I believe the proposed settlement is completely unfair - while it eliminates some of the anticompetitive practices that Microsoft is guilty of, it does not go far enough, allowing many to continue, and allowing too many loopholes for Microsoft to avoid the rest. Ultimately it will lead to an even stronger monopoly at ever-greater expense to consumers and innovation. Microsoft's stance throughout the trial, and previously - their disregard for the law - should have been a strong clue that far more drastic measures than these are required to avoid (and police) further illegalities - if there is any loophole at all, they will find it and use it. Even if there were no loopholes - well, a better enforcement mechanism will be needed.

Some specific problems I find with the PFJ:

Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems - e.g. they purposely broke their applications on DR-DOS. I don't see anything to keep them from doing that again.

"API" is defined so narrowly that many important APIs are not covered.

"Windows" is defined so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box -- operating systems that all use the Win32 API and are advertised as being "Windows Powered".

Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

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